Case 5:12-cv-03620 Document Fled 97/24/12 Page 1 of 14 PageID #: 1

Joseph Goodwin - Chief Judge

U.S. District Court WV

P.O. Rox 2546

Charleston, WV 25329

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

Ref: Denial of religious accommodation & unfair and ineffective grievance procedure

5:12-3620

<u>Dear Staff</u>,

I am being denied accommodation to my legitimate religious needs. On 3-7-2012 I submitted to Chaplain Largent a (BP-S822.53) "New or Unfamiliar Religious Components Questionnaire" form showcasing the introduction of "New Age Druidry" in accord with my religious faith base practice. After an reasonable amount of time with no response forthcoming I file Informal Resolution on 5-1-2012 (see Exhibit 1.B). Chaplain Largent responds on 5-3-2012 with, "The request is being processed and will be completed before 120 days." (see Exhibit 1.C). On 5-9-2012 I file formal (BP-9) for Administrative Remedy which thoroughly addresses the issues (see Exhibit 1.D). After an reasonable amount of time without being given "Notice of Receipt" I send a "Inmate Request to staff" form on 6-7-2012 to Mrs. Seafus (remedy coordinator) asking for a "notice of receipt" for the formal (BP-9) of 5-9-2012, to which she responds on 6-14-"that no receipts are pending in the system" (see Exhibit 1.E). In a conference call conversation with Mrs. Seafus on 6-14-2012 in the office of Mr. Grimes (unit counselor) I was told that my (BP-9) had been "VOIDED" which is why I didn't receive "notice of receipt" and that the (BP-9) Administrative Remedy was not the correct Avenue to address "being denied accommodation to my legitimate religious needs" and that I needed to talk to Chaplain Largent to be provided the religious items that I specifically requested in my (BP-S822.53) form which showcased the introduction of "New Age Druidry". On that same day of 6-14-2012 I go talk with Chaplain Largent and he said that my (BP-S822.53) request was denied because (according to him) my religious needs can be accommodated through the wiccan group. In accordance with the aforementioned staff directives I submitted to Chaplain Largent on 6-17-2012 an "Inmate Request to Staff" form requesting the specific items (as found in BP-S822.53) so as to be accommodated through the wiccan program (see Exhibit 2). At which point Chaplain Largent said he could accommodate an additional time slot and for me to submit additional information and picture of sacred pipe I did submit a 6pg. report on the sacred pipe on the following day of 6-18-2012. Additionally I proceeded to the next level to a (BP-10) after my previous (BP-9) was erroneously "VOIDED" and that I have not received a "Notice of Receipt" or "Notice of Rejection" from the Regional Remedy Coordinator either and I sent the (BP-10) out on 6-18-2012 (see Exhibit 1.A). On 6-20-2012 I was given an official response from the warden's office dated 5-21-2012 signed by Mrs. Mosley (Assoc. Warden) which stated," Your request will be accommodated through participation with the wiccan program or as an individual practioner"(see Exhibit 3). On 6-25-2012 I again talk with Chaplain Largent in regards to my request submitted to him on 6-17-2012 at which point he states that he needs to get approval from region and central offices and I inform him that the response from the warden's office had already approved my request and that I will be accommodated through the wiccan program or as an individual practioner. In addition after I talked to Chaplain Largent on 6-25-2012, he then retaliates against me and the entire wiccan group by searching the wiccan locker on 6-26-2012 and confiscates the group's "Book Of Shadows" and a 9ft. cord while leaving the rest of the locker's contents in severe disarray. Confiscation of the group's "Book Of Shadows" hindered and interfered with our group's religious service on 6-29-2012, which I'm sure was intentionally withheld for that reason. On 6-27-2012 I submit another Informal Resolution that I continue to be denied accommodation to my legitimate religious needs (see Exhibit 4). Chaplain Largent responds on 7-8-2012 that my "request for a new religion was denied. If he desires to add a new component to the wiccan program he must submit a new religious component for the wiccan program" (see Exhibit 4.A). However, the actions of chaplain Largent are clearly in violation to the official response issued from the warden's office which plainly states."that I WILL be accommodated through the wiccan program (or as an individual practioner). Therefore, I continue to be denied accommodation to my legitimate religious needs as there is a "Substantial Burden" being placed upon me which significantly inhibits and constrains conduct or expression that manifests the central tenets of my indivdual

religious beliefs, this intentionally curtails my ability to express my adherence to my faith, and denies me opportunities to engage in activities that are fundamental to my faith base practice i.e(denying me use of requested items specifically apporoved by the warden's office). Denying the adherents of one religion a basic feature of their religion while granting the same feature to the adherents of another religion is a violation of the "Equal Protection Clause" of the 14th amendment e.g.(Sacred Pipe and Nicotiana Tobacum). The religion clauses of the 1st amendment provide: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof".

The exercise of religion often involves not only belief and profession but the performance of physical acts, such as, assembling with others for a worship service or participating in the sacramental use of bread and wine (or as in this case the "Divine Union of the God and Goddess in Sacred Marriage by way of the Sacred Pipe Ceremony and consummation ritual by way of Nicotiana Tobacum smoked through the Sacred Pipe). In the prison system the government exerts a degree of control unparalelled in civilian society which is severely disabling to private or corporate worship and religious exercise. This places the institutional residents' right to practice their faith at the mercy of those charged with running the institution. The passage of the "Religious Freedom Restoration Act" (RFRA) 42USCS2000bb thus protects institutionalized persons who are unable to freely attend to their religious needs and are therefore dependent upon the government's permission and accommodation for exercise of their religion.

42USCS2000bb(c) JUDICIAL RELIEF: A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim and obtain appropriate relief against government.

The grievance procedure here at FCI-Beckley is no longer in compliance with the minimum standards and it no longer is fair and effective. As stated above my 1st grievance was "VOIDED", however, policy does not provide for any grievance to be "VOIDED", it is either accepted or rejected, then "Notice of receipt" or "Notice of rejection" is to be given to the inmate. Therefore, FCI-Beckley's grievance procedure as practiced is not in compliance with BOP-policy statements or code of federal regulation. As such under 28CFR§40.18 "SUSPENSION OF CERTIFICATION"— which states: If the Attorney General has reasonable grounds to believe that the grievance procedure does not comply with minimum standards or no longer fair or effective

the Attorney General shall suspend certification of grievance porcedure. And the suspension shall continue until the deficiency is corrected, at which point certification shall be reinstated.

Wherefore, it is respectfully requested an immediate inquiry and investigation be conducted into to examine such violations of fundamental policies, rules, regulations, and laws. And this institution be to allow me to practice my beliefs in accordance with "New Age Druidry".

OATH AND ATTESTATION

I, CARROL OWENS, DO HEREBY DECLARE THAT THE ABOVE AND FOREMENTIONED COMPLAINT LABELED "DENIAL OF RELIGIOUS ACCOMMODATION & UNFAIR AND INEFFECTIVE GRIEVANCE PROCEDURE" IS TRUE AND CORRECT UNDER PENALTY OF PERJURY 28USC\$1746.

EXECUTED THIS /2th DAY OF JULY, 2012.

CARROL OWENS #22215-058 FCI-BECKLEY, P.O. BOX 350 BEAVER, WV 25813

**(see Attached Exhibits:

*1.A-2pgs.

*1.B

*1.C

*1.D

*1.E

*2

*3

*4

*4.A

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Regional Administrative Remedy Appeal Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be with this appeal. 22215-058 Pine B L CARROL OWENS From: _ UNIT INSTITUTION LAST NAME, FIRST, MIDDLE INITIAL I am being denied accommedation to my legitimate religious needs. On Part A—REASON FOR APPEAL 4-30-2012 I submitted "Inmate Request to staff" as informal resolution to Mr. Grimes (see Exhibit A). On 5-1-2012 Mr. Grimes submitted typed informal resolution to Mr. Largent (chaplain) (see Exhibit B). On 5-3-2012 Chaplain Largent responded to informal resolution (see Exhibit C). On 5-7-2012 Mr. Grimes issued to me (BP-9) to appeal the chaplain's response as attempt at informal resolution was unsuccessful (see top of Exhibit D). On 5-9-2012 I submitted completed (BP-9) to Mr. Grimes to which he attached the unsuccessful resolution form (see Exhibit B) and then submitted (BP-9) package to remedy clerk for filing (see again Exhibit D). However, on 6-7-2012 I submit "Inmate request to staff" to Mrs. Seafus (remedy coordinator) requesting a copy of receipt of (BP-9) to which she responds on 6-14-2012 that no receipts are forthcoming (see Exhibit E). On the same day of 6-14-2012 I had a conference call conversation with Mrs. Seafus and her clerk in the office of Mr. Grimes, at which point Mrs. Seafus tells me that the (BP-9) has been "VOIDED". I then request that I receive (response, denial, or rejection notice) in writing, to which she responds again that the (BP-9) has been "VOIDED" and that the (BP-9) is not the correct avenue to address "denial of accomadation of legitimate religious needs", and that I needed to talk to Chaplain Largent to be provided the religious items I had requested in my (BP-S822.053)"New religious components questionaire" showcasing the introduction of "NEW AGE DRUIDRY". I talked to chaplain Largent on same day of 6-14-2012 and he said.....cont.pg.2 DATE Part B-RESPONSE Talked to Mis Redivisio-1982 (Unit Marson was respire showing up on spirity regulation the sign REGIONAL DIRECTOR If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response. CASE NUMBER: ORIGINAL: RETURN TO INMATE Part C-RECEIPT CASE NUMBER: Return to: INSTITUTION REG. NO. UNIT LAST NAME, FIRST, MIDDLE INITIAL SUBJECT:

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-230(13) APRIL 1982

CARROL OWENS 22215-058 Pine B L FCI-Beckley
BP-10 continued from pg.1.....

that (they) were supposed to have given me a response to my (BP-9), I then ask him the disposition of my (BP-S822.053)"New Religious Components Questionaire" form showcasing the introduction of "New Age Druidry", to which he responds that it was denied because (according to him) my religious needs can be accomedated in the Wiccan group. I then requested something in writing stating these assumed facts, to which he responds that "WE" would discuss it later as he was leaving for the day. As one can deduce from the aforementioned facts, I am being denied process of my (BP-S822.053), I am being denied Administrative remedy process (as there is no such thing as "VOID") either it is accepted or it is rejected and I am to be given a receipt and notice (I received neither) and I am clearly being denied accomodation to my legitimate religious needs. This amounts to discrimination because the Native Americans, Asatru, or Santeria are not being made to worship with the Wiccans and they all share similiar beliefs.

REMEDY: Instruct FCI-Beckley to process my remedy.

• Investigate the discrimination against me for simply trying to exercise my protected right to freedom of religion.

• Allow "New Age Druidry" group to be established and religious practices to be conducted at FCI-Beckley since it is clearly a recognized relious belief system.

• Instruct staff at FCI-Beckley to not retaliate against me for filing this (BP-10).

• In the alternative Regional Office has the authority to accept this (BP-10) and remedy these issues in accordance with policy and CFR.

I CARROL OWENS do hereby declare that the aforementioned facts are true and correct to the best of my knowledge and under penalty of perjury under 28§1746.

Executed this 18th day of JUNE 2012.

CARROL OWENS #22215-058 FCI-Beckley, P.O.BOX 350 BEAVER, WV 25813

BEC-1330.13d February 20, 2004

Attachment A

	REQUEST FOR ADMINISTF INFORMAL RESOLUT FCI BECKLEY, WEST	TION FORM	
Section 1 - To be completed by the Un	t Counselor at the time inmate reque	est Administrative Remedy.	
Inmate Name: OWENS, Carol	Register ?	Number: 22215-058	
Assigned Unit: Pine BL Unit	Counselo	r: J. Grimes	
Date of Request: 05-01-2012	Date of Ir	ncident: On Going	
Specific Complaint: Inmate complain submitted to Chaplain Largent a (BI introduction of New Age Druidry in status of BP-5822.053 to which he reinforms me that Largent has given h to Asst. Warden Mosley about (BP-54-30-2012 and the (BP-5822.053) has practice my religious Faith base practice my religious Faith base practice was advised to review Program Statem Inmate Signature / Register Number	2-5822.053) "New or Unfamiliar Reaccord with my religious Faith basesponds that he has not gone over it er the (BP-5822.053) but that he we see to be processed which significative".	eligious Components Questionnai e practice. On 3-21-2012 I asket yet. On 3-26-2012 I talked to Assould not be back until 1" week of e over it yet, but to give her until antly increases the 120 day process mate issued Request for Administra	ire" form showcasing the d Chaplain Largent the st. Warden Mosley, she April. On 4-19-2012 I talked 4-25-2012. Today is stime, so that I may tive Remedy Form. Inmate
Counselor Signature	Date		
Section 2 - To be completed by the Cou	nselor when inmate submits Reques	t for Administrative Remedy Form	•
Date Submitted:			
Was issue discussed with the inmate: Y	ES/NO. If no, reason:		
Was staff or departments noted in Adm If no, reason. If yes, response:(See			
Informal Resolution was / was not accordinator.	mplished. If not accomplished, staf	T submitted Request for Administr	ative Remedy Form to
Inmate Signature / Register Number	Date		
Counselor Signature	Date		

Date

Unit Manager Signature

BEC-1330.13d February 20, 2004 Attachment B



From: To:

Douglas Largent Grimes, John 5/3/2012 2:27 PM Re: 8 1/2

Date: Subject:

The request is being processed and will be completed before 120 days.

Douglas Largent Supervisory Chaplain



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REQUEST FOR ADMINISTRATIVE REMEDY Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

22215-058 Pine B L FCI-Beckley OWENS, CARROL L. INSTITUTION REG. NO. LAST NAME, FIRST, MIDDLE INITIAL

Part A-INMATE REQUEST "I am being denied accommodation to my religious needs". There is NO religious faith base practice compatible with my core belief structures and practices. The closest I've found is Wicca but this is inadequate to properly address my needs, because Wicca is based as a Lunar Sect and worship the great Feminine. I, however, must practice in a Solar Sect and worship the great Masculine. I believe that both the Lunar and Solar sects are dual aspects or attributes of the ONE but I believe that these aspects or attributes must be represented by the corresponding parties. I as a male practioner can NOT practice in a Lunar Sect (Wicca) which is reserved solely for female practioners in accordance with my belief structures as a Druid. In addition I have (16) High Holy Days whereas the Wiccans have only (8); I worship to set times every day, the Wiccans do not; I worship using the Sacred Pipe, the Wiccans do not; I worship using Sacred Nicotiana tobacum, the Wiccans do not. I submitted to Chaplain Largent on 3-7-2012 a (BP-S822.053)"New or Unfamiliar Religious Components Questionnaire" form showcasing the introduction of New Age Druidry in accordance with my belief structures. I filed infomal resolution on 5-1-2012 because the request had yet to be processed which significantly increases the 120day process time, Chaplain Largent responded that, "the request is being processed and will be completed before 120 days" (but does he mean 120 days from the date of my religious request or 120 days from the date of his response, a gap of about 60 days?)

REMEDY: Be allowed to start a new group "New Age Druidry" so that I (and others) may worship and give due reverence to the Gods and Goddesses according to belief strucures of "New Age Druidry".

DATE

Part B- RESPONSE

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DATE If dissatisfied with this response, you may appeal to the Regional Director. Your ap	WARDEN OR REGIONAL DIRECTOR rappeal must be received in the Regional Office within 20 calendar days of the date of this response			
ORIGINAL: RETURN TO INMATE	CASE NUMBER:			
		CASE NUMBER:		
Part C- RECEIPT Return to: LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION	
SUBJECT:				
DATE	RECIPIENT'S SIGNA	TURE (STAFF MEMBER	8P-229(13) APRIL 1982	



SEP 98	FRM
U.S. DEPARTMENT OF JUSTICE	FEDERAL BUREAU OF PRISONS
TO: (Name and Title of Staff Member) Mrs. Seafus, Remedy Cordinator	DATE: 6-7-2012
FROM: Carrol Owens	REGISTER NO.: 22215-058
WORK ASSIGNMENT: Rec - PM	UNIT: Pine B Lower
governmentioned receipt. The (BP-9)	to be specific may result in no action being
(Do not write	below this line)
DISPOSITION: Currently you have n the system.	
Signature Staff Member	Date 6/14/12

Record Copy - Firs: Copy Inmate (This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94



BP-S148.055 **INMATE REQUEST TO STAFF** CDFRM SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Chaplain Largent	DATE: 6-17-2012
FROM: CARROL OWENS	REGISTER NO.: 22215-058
WORK ASSIGNMENT: Rec-PM	UNIT: Pine B Lower

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

In a conference call conversation with Mrs. Seafus/ Remedy Coordinates). the (BP-9) was not the correct my legitimate religious needs and that needed to talk to items specifically request Form showcasing introduction of day of 6-14-2012 uniccan group fin accordance with request the Following 50 as -1 Moon Store, Feathers, Energy Tobacum (Tobacco) plaque, Tarot. Runes Rainbow wand, Chelice, Assorted color candles, God and Goddess Figurines, Thor's Hammer, 9 ft. cord, head band with chakra fower Sign. worship on Tuesdays outside circle, in (Do not write below this line) Bricanno addition to classroom study, CC: Inmate, Regional Chaplain, Central office (General coursel)

I am in the process of reviewing this request.

Signature Staff Member Date 6/20/12

Record Copy - File; Copy - Inmate (This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94

DISPOSITION:

Owens, Carrol, Reg. No. 22215-058

New Age Druidry



REQUEST FOR RELIGIOUS ACCOMODATION

Your Request for The New Age Druidry religion to be added to The Religious Services Department programs has been reviewed.

Based on the review of the New or Unfamiliar Religious Components you submitted concerning New Age Druidry, your request will be accommodated through participation with the Wiccan program or as an individual practitioner.

5-21-12

Date

Joel Ziegler, Warden

Rec'd From Chaplain Longent on 6-20-2012



-S148.055 INMATE REQUEST TO STAFF

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Mr. Games, Unit Counseles	DATE: 6-27-2012
FROM: CARROL OWENS	REGISTER NO.: 22215-058
work assignment: Rec - FM	UNIT: Pine B Lower

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

Wardens have apples MY request wa accommodated through the Wiccan Program and that he ardens office to be Approval since it's already write below-this-line) need Regions

approved. Therefore, I continue to be denied accommodation of my legitimate Religious needs. Request all items contained in DISPOSITION. MY(BP-5822.53) and "Inmate Request to Staff" dated 6-17-2012. * I turned in this (BF-8) on wed. 6/27/2012 to Mr. Gr. Mrs to proport and receive response.

2 other inmates also turned in (BP-8's) on some issue on same day 6-27-2012. * Today is 7.5-2012 No responses have been forthcoming (unusual) possibly indicating their Mr.

Grimes has not prepare and Filed (BP-83) For a response to even be generated.

Talked to Grimes on 7-5-2012 at 12:20 pm, he soid that he held on to the orienances for a couple of days trying to set up a meeting with Largent, but could not so he just Filed the (BP-8) on 6-4-201 and now await a response from Largent.

and now await a response from cargent,	and and Hotion	that my	request had	been devied
and now await a response From Chaplain Largent on	7-9-301Q, 21411.	3	(6/11-3)	•

Signature Staff Member	Date
Record Copy - File; Copy - Inmate (This form may be replicated via WP)	This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94



From: To: Date: Douglas Largent Grimes, John 7/8/2012 11:25 AM

His request for a new religion was denied. If he desires to add a new component to the Wiccan program he must submit a new religious component for the Wiccan program.



